l:Heckewelder M-5 (ca. 1800)1819
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They certainly (I am here speaking of the men) show a reverence for each other, which is visible on all occasions; they often meet for the purpose of conversation, and their sociability appears to be a recreation to them, a renewal of good fellowship. Their general principle, that good and bad cannot mingle or dwell together in one heart, and therefore must not come into contact, seems to be their guide on all occasions. So, likewise, when travelling, whether they are few, or many, they are cheerful, and resigned to the accidents which may befal them; never impatient, quarrelsome, or charging any one, or one another, with being in fault, or the occasion of what had happened; even though one should lose his all by the neglect or carelessness of the other, yet they will not fly into a passion, but patiently bear with the loss, thinking within themselves that such a one feels sorry enough already, and therefore it would be unreasonable to add to his pain. They judge with calmness on all occasions, and decide with precision, or endeavour so to do, between an accident and a wilful act;—the *first* (they say) they are all liable to commit, and therefore it ought not to be noticed, or punished;—the *second* being a wilful or premeditated act, committed with a bad design, ought on the contrary to receive due punishment.

To illustrate this subject, I shall relate a few of the cases of this description which have come within my knowledge. One morning early, an Indian came into the house of another who was yet abed, asking for the loan of his gun for a morning hunt, his own being out of repair; the owner readily consented, and said: "as my "gun is not loaded, you will have to take a few balls out "of your pouch!" In taking the gun down, it, however, by some accident went off, and lodged the contents in the owner's head, who was still lying on the bed, and now expired. The gun, it appeared, was loaded, though unknown to him, and the lock left in such a condition that by a touch it went off. A cry was heard from all sides

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In the house: O! the *accident!* for such it was always considered to have been, and was treated as such.

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A hunter went out to kill a bear, some of those animals having been seen in the neighbourhood. In an obscure part of a wood, he saw at a distance something black moving, which he took for a bear, the whole of the animal not being visible to him; he fired, and found he had shot a black horse. Having discovered the mistake, he informed the owner of what had happened, expressing at the same time his regret that he was not possessed of a single horse, with which he could replace the one he had shot. What! replied the Indian whose horse had been killed, do you think I would accept a horse from you, though you had one to give, after you have satisfied me that you killed mine *by accident?* No, indeed! for the same misfortune might also happen to me.

An aged Indian who had gone out to shoot a turkey, mistook a black hog in the bushes for one of those birds, and shot him; finding out by enquiry to whom the hog belonged, he informed the owner of the mistake he had made, offering to pay for the hog; which the other, however, not only would not accept of, but having brought the meat in, gave him a leg of the animal, because he thought that the unfortunate man, as well on account of his disappointment, in not feasting on turkey as he expected soon to do when he shot the hog, as for his honesty in informing of what he had done, was *entitled* to a share of what he had killed.

Two Indians with a large canoe, going down the Muskingum river to a certain distance, were accosted by others going by land to the same place, who requested them to take their heavy articles, as kettles, axes, hoes, &c. into their canoe, which they freely did, but unfortunately were shipwrecked at the rocks of White Eyes's falls (as the place is called,) where the whole cargo was lost, and the men saved themselves by swimming to the

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673 685 shore. The question being put and fully discussed, whether those men with the canoe, who had taken charge of the property of the others, and by this neglect lost the whole, were not liable to pay for the loss? it was decided in the negative, on the following grounds:

1. That the canoe men had taken the articles on board, with the pleasing hope that they thereby would oblige their fellow men, and did not expect any recompense for that service.

2. That although they might have avoided the danger and the loss, by unloading the canoe at the head of the fall, and carrying the cargo by land below it, (which was but a short distance,) as was customary, when the river was not in a proper state to run through, yet that, had those who travelled by land been in the place of those in the canoe, they might, like them, have attempted to have run through, as is sometimes done with success, and been equally unfortunate.

3. That the canoe men having had all their own property on board, which was all lost at the same time, and was equally valuable to them, it was clear that they had expected to run safely through, and could not have intentionally or designedly brought on themselves and others the misfortune which had happened, and therefore the circumstance must be ascribed entirely to *accident*.

672 Such is the disposition of the Indians with regard to those who inadvertently meet with a disaster, whereby others are injured. They are ready to overlook a fault, and more disposed in such cases to commiserate, than to punish; but with those who wilfully and intentionally commit aggressions and injure others, they think and [626] act quite differently; a malicious person is generally despised, and if he intrudes himself into good company, they will, without saying a word, steal off one by one, and leave him alone to suffer the mortification which it is intended he should feel. For murderers and thieves they have no compassion, and punish them according to

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the nature of their crimes, if not publicly, still privately, for they are considered as a nuisance, and a disgrace to the nation, and so much so were persons of this description considered and despised in former times among the Delawares, before the white people came, that it was a rare thing to hear of any such being among them. This I have repeatedly been told, between the years 1770 and 1780, by Indians of that nation; one of whom, when a boy, resided on the spot where Philadelphia now stands, when the first house was building there, and assisted in furnishing the workmen with fish, and caught rabbits for them; the other, who was still older, lived with his parents on the spot where afterwards was built Perth Amboy in New Jersey: both were respectable men, highly esteemed by all who knew them.

I do not believe that there exists a people, more attentive to paying common civilities to each other, than the Indians are; but this, from a want of understanding their language, as well as their customs and manners, generally escapes the notice of travellers, although some of them, better observers than the rest, have touched upon this subject. In more than one hundred instances, I have with astonishment and delight witnessed the attention paid to a person entering the house of another, where, in the first instance, he is desired to seat himself, with the words, "sit down my friend!" if he is a stranger, or no relation; but if a relation, the proper title is added. A person is never left standing, there are seats for all; and if a dozen should follow each other in succession, all are provided with seats, and the stranger, if a white person, with the best. The tobacco pouch next is handed round; it is the first treat, as with us a glass of wine or brandy. Without a single word passing between the man and his wife, she will go about preparing some victuals for the company, and having served the visiters, will retire to a neighbour's house, to inform the family of the visit

3:Zeisberger M-5 (1767-1780)1910
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D 1765 morning to the grave and weeps over it. This is repeated daily for some time but gradually less and less till the mourning period is over. Sometimes they place victuals on the grave that the deceased may not suffer hunger. The food thus left is generally consumed by dogs.

N 1764 The Nantikoks [Nantikokes] of whom more in another place, have this singular custom that about three or four months after the funeral they open the grave, take out the bones, clean them of the flesh and dry them, wrap them up in new linen and inter them again. A feast is usually provided for the occasion, consisting of the best they can afford. Only the bones of the arms and legs of the corpse are thus treated. All the rest is buried or burned.

D 626 181 The Indians are a free people, knowing neither law nor restraint. They may not be prevailed on in any matter that does not please them, much less forced. If they cannot be persuaded with gentle words, further effort is in vain.

D 361 Each of them may settle where he pleases. Not satisfied with one place, an Indian may move to a town with which he is better pleased and no one offers any objection; or he may retire to a solitary place. Rarely will a family move far away from all society, though they frequently live apart from the towns to avoid being annoyed by drunkards; or they live thus alone in order to carry on the profitable traffic in rum more to their advantage. Many engage in rum traffic, especially women, who fetch it from the white people and sell at a considerable profit to the Indians, often taking from the latter everything they have, sometimes even their rifles on which they depend for subsistence. Chiefs and counsellors have often considered what might be done to stop this ruinous trade, and have often determined that no one should ever bring spirituous liquors into their towns again; for a time such a resolution would be kept, and then be broken, perhaps by the very ones who had counselled the prohibition. Since the Indians have taken so much to drinking rum, murders are more frequent. Murder committed in drunkenness is not severely punished. Hence, it is that one harboring hatred for another will, on the occasion of a drinking

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orgy, put him out of the way, pretending to be very drunk and not capable of judging of the nature of his deed. Under such circumstances, according to ancient usage, the murderer must pay a hundred fathoms of wampum for the murder of a man and two hundred for that of a woman. If he is too poor to raise the amount, which is commonly the case, his friends help to raise it and turn it over to the relatives of the slain, at the same time delivering a speech. If any one has murdered his own relative, he usually escapes without difficulty, for the family can easily find reason for the deed, not wishing to lose two of their friends at once. Should a murderer not feel himself safe, he goes to another region or town where he is a stranger.

In case of theft, which is held as a disgrace among them, nothing further is required than that the thief must restore what he has stolen, pay for it or give something in exchange. If justice cannot be satisfied in one of these ways, because the thief has nothing, loss falls on the party robbed, or the friends of the thief, if such he has, must make good the loss.

When a whole party goes out to hunt, they govern themselves according to the wishes of the oldest or the most expert, particularly if he be a member of the council. It is not considered good form for one to leave the party before the end of the hunt. If one has wounded a deer and another followed and killed it, the skin belongs to the first and either the half or the whole of the meat to the latter. If several take aim at once and they cannot determine which of them made the best shot, the skin is given to the oldest of the party, or, if he happened to be one of those taking aim, he is said to have killed the animal. Old men, therefore, no longer able to shoot well, generally get their share of the skins, if they only aim now and then with the others though they do not hit the mark.

Such old men, accompanying a hunting party, get both meat and skins, for the good hunters will not let them return empty-handed. They have, in general, and the Unami in particular, the custom that when a huntsman has shot a deer, and another Indian joins him or only looks on at a distance, he immediately gives him the whole animal and goes in pursuit of another.

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426 If a debtor is unable to pay, the creditor duns his friends,
●672 who must pay and rarely refuse to do so. Occasionally, the debts of friends must be paid years after they were contracted, even after the death of the debtor, if only the debt can be proven.

685 A purchaser, dissatisfied with what he has bought or the price paid, is allowed to return what he has purchased and recover what was paid. One who has done an injury, killed a hog or chicken or occasioned loss in some other way, and obstinately refuses to make good the injury, cannot be touched. His friends may make good the loss. Should the offender, in the long run, not heed the admonitions of his friends, they will drive him away.

721 Hence, it is that in wars with whites practically all the tribes have been involved more or less. If the nation, as such, has taken no part in the war, these unmanageable offenders have gone with the fighting peoples, despite the warnings and threats of the chiefs. The same is true of the present conflict.[258] The Delaware chiefs had determined at its beginning to remain neutral, daily admonishing their people not to allow themselves to be persuaded to go into the war. The nation as such remained true to the determination of the chiefs, being constantly and earnestly watched, but obstinate offenders took part against all order and command.

619 Though the Indians are a free people and not subject to the rule of any one, each nation, considering itself a unit, has a kind of government of its own choosing, imperfect as it may be. This holds good of all the North American nations. A nation is constituted of three principal Tribes, the first or leading tribe is called *Packoango*, i. e., the tribe of the great Tortoise, the second, *Blem*, the Turkey Tribe, the third, *Ptucksit*, the Wolf
622 Tribe. Each of the tribes has its chief and each chief his coun-
623 sellors. The chief of the Tortoise Tribe is the first in rank and, together with the other two chiefs, deals with all matters of national interest, particularly, such as have reference to nations with whom, according to treaty, friendly relations are to be cultivated. A chief may not presume to rule over the people, as in that case he would immediately be forsaken by the whole tribe, and his counsellors would refuse to assist him. He must

9: Kinietz E-4, 5 (1938) 1946
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settling such an affair was approved by the nation (260), and it did not give rise to a feud between the two families involved unless there was some violation of the established customs by the injured family as reported by Van der Donck (259).

Besides murder and theft, rape, adultery, desertion of children, drunkenness, and slander were considered crimes (262-65). Apparently the conception of what constituted punishment varied among the sources, for some did not regard the payment of wampum as such (266). This was the only retribution levied on the offender recorded by Van der Donck, Heckewelder, Chipps, and Pipe. Zeisberger agreed, except that in the case of adultery he said a man whose wife had been seduced awaited his opportunity and seduced the wife of the seducer. J. W. and W. L. said that failing presents, whipping and even death might be meted out in cases of persistent offenders. J. W. seemed to think that rape was always punished by death.

Another element that shows an increasingly rigorous enforcement of law and order with the passage of time is that involving the murder of a woman by her husband (269). In the first two periods this received no mention, but in the third there are statements by Johnston and Pipe that the husband would not be punished (270). Johnston said that the wife's relatives might take revenge if they considered the act unwarranted. According to the modern informants, such a murderer would be punished anyway, and there might be revenge in addition if her relatives thought the deed unwarranted.

References to the age at which adult status was reached were infrequently given by the earlier sources (267). Van der Donck and Johnston said that the matter was determined by the ability of the individual (268). Chipps said that a youth was considered a man at twenty years and was then his own master even though he could marry before that. None of the modern informants said that coming into adult status was determined by the ability of the individual, although W. L. implied as much by saying that the age was between twenty and twenty-four years. Two of the others placed the age at twenty-five years and the fourth at twenty-one. In a society that placed so much emphasis upon